

REMARKS

Claims 1, 3, 20 and 21 have been amended. Claims 1, 3 and 5-22 remain pending in the application. Applicant reserves the right to pursue the original claims and any other claims in this and in other applications.

Claims 1, 3 and 5-22 stand rejected under § 103 (a) as being unpatentable over Neeson et al. (U.S. Patent No. 5,786,978) ("Neeson") in view of Hastings (U.S. Application Publication No. 2004/0107217). The rejection is respectfully traversed.

As acknowledged by the Office Action, dated April 24, 2006, neither cited reference, Neeson nor Hastings, teaches or suggests at least one website linked to the at least one server the computer network, wherein the website provides a user interface through which a user can access a tracking device system, as recited in claim 19. (Office Action at 4). Thus, Applicant has amended claims 1, 3, 20 and 21 to recite similar features.

Claim 1 recites a tracking device system comprising "a physical asset; a transmitter, attached to the physical asset, for transmitting a first data signal; a communication means for receiving the first data signal and transmitting a second data signal; and a receiving means for receiving the second data signal from the communication means via a world wide web connection and for housing a software program for enabling a user to track the physical asset, wherein the physical asset, the communication means and the receiving means are in continuous communication and track the location of the physical asset."

Claim 3 recites a method of tracking an asset comprising the steps of "forming a communications network by forming a world wide web connection between a personal computer and central server; transmitting a first data signal in real-time, via

the communications network, from the personal computer to the central server to inquire the location of a physical asset; communicating with the physical asset from the central server via the communications network; tracking the physical asset by transmitting a second data signal over the communications network; interrogating the second data signal to determine a status signal; and storing the determined status signal in the central server.” Claims 20 and 21 recite similar features.

Claims 19 recites, *inter alia*, a computer system comprising “at least one website linked to the at least one server through the computer network, wherein the website provides a user interface through which a user can access a tracking program; and a tracking module.” Claim 19 further recites that “the tracking module [comprises] of [a] tracking device system comprising: a physical asset; a transmitter, attached to the physical asset, for transmitting a first data signal; a communication means for receiving the first data signal and transmitting a second data signal; and a receiving means for receiving the second data signal from the communication means, wherein the physical asset, the communication means and the receiving means are in continuous communication and track the location of the physical asset.”

The Office Action notes, however, that the Examiner suggests these features are not described in the specification. Applicant respectfully disagrees. The user communicates with a central server via means such as the world wide web. (Specification at page 12). The central server houses computer software to enable the user to manage assets. Id. The central server communicates with the asset attachment device via means such as the world wide web. Id. When a user accesses the system, the system sends back asset information such as the asset ID, location and status. Id. Given these statements taken directly from Applicant’s specification, Applicant respectfully submits that the recited, claimed features are described in and supported by the specification.

For at least the reasons set forth above, the cited combination of Neeson and Hastings fails to teach or suggest a tracking device system comprising “[a] physical asset, . . . [a] communication means, . . . and [a] receiving means for receiving the second data signal from the communication means via a world wide web connection and for housing a software program for enabling a user to track the physical asset,” all in continuous communication to track the location of a physical asset, as recited in claim 1, or a tracking method comprising the steps of “forming a communications network by forming a world wide web connection between a personal computer and central server; transmitting a first data signal in real-time, via the communications network, from the personal computer to the central server to inquire the location of a physical asset; . . . [and] tracking the physical asset by transmitting a second data signal,” as recited in claim 3. For at least the same reasons, claims 19-21 are not taught or suggested by the cited combination.

Moreover, there would be no motivation to combine Neeson and Hastings to achieve the claimed invention. Neeson generally refers to an apparatus for tracking and reporting equipment inventory on a locomotive equipped with a mobile communications package. More specifically though, Neeson refers to a communications network in which a central station communicates with its locomotives and thus, indirectly has the ability to track the locomotive by determining which communication station is being used to communicate. In other words, the Office Action is using the elements of Neeson’s communications package to teach or suggest limitations of the tracking system of the claimed invention.

Hastings generally refers to a method and apparatus for modifying relocatable object files. In particular, Hastings refers to a method for inserting additional instructions and data into an existing relocatable object file of a computer

program to monitor memory access. Applicant respectfully submits that Hastings simply refers to tracking an item, *e.g.*, a code file, within an object code and has nothing to do with the tracking of physical assets. Hastings is focused on software applications and makes a determination regarding added codes and instructions for locating routines in that regard. Nothing is relative to the tracking of assets related to the device and method of the claimed invention.

Applicant respectfully submits that the cited references relate to completely different arts. Neeson relates to a communications system and Hastings relates to computer program for modifying relocatable object files. No one of ordinary skill in the art at the time of invention would have looked to a computer program for modifying relocatable object files to modify a communications system to achieve a tracking device system comprising “[a] physical asset, . . . [a] communication means, . . . and [a] receiving means for receiving the second data signal from the communication means via a world wide web connection and for housing a software program for enabling a user to track the physical asset,” all in continuous communication to track the location of a physical asset, as recited in claim 1, or a tracking method comprising the steps of “forming a communications network by forming a world wide web connection between a personal computer and central server; transmitting a first data signal in real-time, via the communications network, from the personal computer to the central server to inquire the location of a physical asset; . . . [and] tracking the physical asset by transmitting a second data signal,” as recited in claim 3.

Accordingly, it would not have been obvious to one of ordinary skill in the art to combine Neeson and Hastings to achieve the physical asset tracking system of the claimed invention.

Therefore, Applicant respectfully submits that Neeson and Hastings, whether considered alone or in combination, fail to teach, suggest or render obvious all limitations of claims 1, 3 and 19-21. Further, it would not have been obvious to one of ordinary skill in the art to combine the cited references to achieve the claimed invention. Claims 4-9 depend from claim 3 and should be allowable along with claim 3. Claims 10-18 depend from claim 1 and should be allowable along with claim 1. Claim 22 depends from claim 21 and should be allowable along with claim 21.

Accordingly, Applicant respectfully requests that the rejection be reconsidered and withdrawn, and claims 1, 3 and 5-22 allowed.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

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